

Meeting of 2000-2-22 Regular Meeting

MINUTES  
LAWTON CITY COUNCIL REGULAR MEETING  
FEBRUARY 22, 2000 - 6:00 P.M.  
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor Cecil E. Powell, Also Present:  
Presiding Bill Baker, City Manager  
John Vincent, City Attorney  
Brenda Smith, City Clerk

The meeting was called to order at 6:15 p.m. by Mayor Powell. Notice of meeting and agenda were posted on the City Hall notice board as required by State Law.

ROLL CALL

PRESENT: G. Wayne Smith, Ward One  
Richard Williams, Ward Two  
Glenn Devine, Ward Three  
John Purcell, Ward Four  
\*Robert Shanklin, Ward Five  
Charles Beller, Ward Six  
Stanley Haywood, Ward Seven  
Randy Warren, Ward Eight

ABSENT: None.

\*Shanklin entered at approximately 6:20 p.m.

PRESENTATION OF EMPLOYEE OF THE MONTH AWARD TO BARBARA BURNETT, INFORMATION SERVICES DEPARTMENT

Cindy Price, IS Department, introduced Barbara Burnett as Employee of the Month for February. She said Ms. Burnett began working for the City as a Scheduler in Public Works, attended Cameron University, graduating with a 4.0 grade average, and transferring to the IS Department two years ago. She said Ms. Burnett was an integral part of the Y2K conversions and that she had been offered a job in Oklahoma City but decided to stay in Lawton when Council adopted the new pay plan.

Mayor Powell presented a Certificate of Honor, plaque from T & S Printing, and two days of nonchargeable leave from the City, and congratulated Ms. Burnett.

\*Shanklin entered the meeting at this point.

Burnett thanked her supervisor and fellow employees in the IS Department, as well as the Mayor and Council, for the award.

Mayor Powell read proclamations from Senator Helton and from the Mayor's Office in honor of Womens' History Month in March and presented these to Leona Evans, Chairperson of the Mayor's Commission on the Status of Women. Evans expressed appreciation for the proclamations and said they would be looking at the past century when they honor eight women nominated for Outstanding Women of Comanche County. She said when the century began, women were laced in corsets and did not have the right to vote but the century ended with a woman orbiting the earth, so progress has been made in the last 100 years and that those of the male gender had helped with this progress.

PRESENTATION OF REPORT BY MUSEUM OF THE GREAT PLAINS

Richard Welch, Museum Director, reported that the Museum now has a formal volunteer organization and those persons are regularly recognized for their contributions. The asbestos abatement project is finished; the put-backs are almost completed although they found that the fire alarm in the older portion of the building was removed during asbestos abatement and they may present something to the Council in the future in this regard. New heating and air conditioning systems are being installed this week and that project is being funded by the State of

Oklahoma through the oil over-charge fund. Security is being strengthened; additional cameras have been added, locks strengthened and a guard is present on the weekends. Sign in and sign out procedures have been established for the collection areas. Collections care has been improved with the new mezzanine and movable storage system that was funded through a major grant from the McMahon Foundation. The archives and library have been moved into that new area and some materials have been found that include some very important City records that neither the Museum nor City staff knew were there and this may be a big help to the City in some of the water projects.

Welch said the one-room school house has been placed at the Museum and cleaning, restoration and research have begun. He said the case in Philadelphia Federal Court has been resolved concerning Geronimo's headdress; Congressman Watts is asking that it be sent to a museum in Southwestern Oklahoma and a request was submitted to the court and to the U.S. Attorney that it come to the Museum of the Great Plains.

Welch said the Museum has a strong education program and it was recognized by the Oklahoma Arts Council for its pilot museum-school partnership program that was recently started with the Lawton Public Schools and Cameron University. The exhibitions have been very well received; the T-Rex Exhibit set attendance records on several days and a long-range plan is being developed for exhibits in the future with a one-year schedule of exhibits being planned so good publicity can be given.

Welch said a small endowment for the Museum has been started and it has a long way to go. He said Councilman Williams, who is the chairman of the trust authority, and he had talked several times about a goal for an endowment and they would like to reach \$8 million to be able to have a stable income for the Museum and make them less dependent on other funding sources, but this is still quite a ways in the future. Welch said earned income is up and they had done extremely well in the last six months in the gift shop and other projects; fees are charged for use of the building and revenue is increasing from that source. Memberships are at 450, which is still low. Goals for the coming year are to increase the number of volunteers and memberships; continue working on the long range exhibits plan and collection care plans; increase efforts for grant writing and fund raising; do more in the way of school-museum partnerships, and expand the collections. Attendance is about 30,000 per year and a goal is to double that through some very hard work. Welch said a goal is to get the Museum re-accredited by the American Association of Museums and they are very close to getting that done.

Williams said he appreciated the financial support provided by the City Council for the Museum. He said Public Works/Engineering and Parks and Recreation have been very responsive to the needs, and that support is also greatly appreciated.

#### PRESENTATION OF REPORT BY MAYOR'S COMMISSION ON STATUS OF WOMEN

Leona Evans, Chairperson of Mayor's Commission on Status of Women, said a copy of the report had been provided and she offered to answer questions. Mayor Powell expressed appreciation for the Commission and for Ms. Evans efforts in this regard. Evans also expressed appreciation for the support given to the Commission and encouraged Council members to submit nominations for membership in the Commission. She thanked Haywood and Williams for the support they had provided.

#### PRESENTATION OF REPORT BY LAWTON CHAMBER OF COMMERCE AND INDUSTRY

Marilyn Fever, President of Lawton Chamber of Commerce and Industry, said this is the mid-year report on the use of hotel/motel funds for economic development and tourism recruitment. A written report was provided in a binder. She said they are not frivolous with the funding; one full time salary and two part time salaries are paid from hotel/motel funds, yet all nine of the staff work on tourism and economic development. Fever said they believe another announcement will be made soon to bring new jobs to Lawton and that many Council Members have been briefed in this regard. She said unemployment is at an all time low which prompted the Chamber to contract for two major labor market surveys and those are included in the packet; while more people are employed than ever before, a large number are interested in jobs that pay between \$8 to \$10 per hour and their organization is working with prospects that will fill that labor niche.

Fever said the Chamber has made an increased effort to assist established businesses and has hired an employee for this specific task. She said a list of conventions and events is included in the binder that have been hosted by Lawton; total economic impact of events, using the formula provided by the travel industry association, is over \$5 million for six months. Chamber staff has also sought events, both large and small, that will bring significant income to the community in the coming months. She explained the Chamber's effort with regard to tourism and marketing.

Beller said the return on the investment is excellent.

#### CONSIDER MINUTES OF LAWTON CITY COUNCIL REGULAR MEETING OF FEBRUARY 8, 2000.

MOVED by Williams, SECOND by Haywood, for approval of the minutes. AYE: Warren, Smith, Williams, Devine,

Purcell, Shanklin, Beller, Haywood. NAY: None. MOTION CARRIED.

#### AUDIENCE PARTICIPATION:

Children from Mrs. Tate's third grade class at Hugh Bish Elementary provided a donation of \$235.26 to the Kids' Zone Community Playground to the Mayor. Mayor Powell expressed his appreciation and commended the efforts of the children to become involved in the community.

Mayor Powell stated Items 4, 5 and 6 would not be considered due to earlier Water Authority action.

#### UNFINISHED BUSINESS:

1. Consider directing staff to install road buttons at the intersection of NW 40th and Cache Road. Exhibits: None.

Warren said in January Council asked staff to look at this intersection and the proposal is to install buttons on the north and south sides of the intersection that would allow only right turns from those positions. He said this would effectively do the same thing as putting a concrete barrier in the center of the median but it will not preclude trucks from turning, which the barrier would have done. Warren said buttons were recently installed on 23rd Street and appear to be working well.

MOVED by Warren, SECOND by Smith, to direct staff to install the buttons.

Williams said the background shows there have been accidents in this area but none were attributed to cars pulling out from 40th Street and trying to turn back to the east or west. He said he was not convinced of the need for the buttons. Beller asked how the accidents were caused. Williams said it shows four rear end collisions, one single car accident due to careless driving and the other was due to an unsafe lane change, but none were due to turning. Warren said it is not the people making the turns that are involved in the accidents; they are what sets up the person slamming on his brakes to get rear ended because a person has pulled in front of them or that traffic is stacked in the center of the median trying to turn and sticking out into both lanes.

Devine said he supported this effort and that the buttons on 23rd and Cache Road were working well. He said when an accident happens on Cache Road, it is usually a major accident due to the traffic volume.

VOTE ON MOTION: AYE: Smith, Devine, Purcell, Shanklin, Beller, Haywood, Warren. NAY: Williams. MOTION CARRIED.

#### BUSINESS ITEMS:

2. Hold a public hearing and consider a resolution changing the name of NE Larrance Street between East Gore Boulevard and NE Dearborn Avenue in Vernon Addition to Albert Johnson, Sr. Avenue. Exhibits: Letter of Request; Location Map; Resolution No. 00-28.

Haywood said he was the President of the Douglas Alumni Association and a member of the Patterson Neighborhood Association. He said everyone present should know the impact that Mr. Johnson has made on Lawton and on Oklahoma, and is working with AARP on a national level. Haywood said there is a school reunion for Douglas this year and they wanted to honor Mr. Johnson, as well as others. He said the request comes from the neighborhood and the alumni association. Haywood said he could talk about Mr. Johnson all day, for the things he does in the neighborhood and when he was his high school counselor.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Haywood, SECOND by Smith, to accept Resolution No. 00-28 changing the name of NE Larrance Street between East Gore Boulevard and NE Dearborn Avenue in Vernon Addition to Albert Johnson, Sr. Avenue. AYE: Williams, Devine, Purcell, Shanklin, Beller, Haywood, Warren, Smith. NAY: None. MOTION CARRIED.

(Title only) Resolution No. 00-28

A resolution renaming NE Larrance Street between East Gore Boulevard and NE Dearborn Avenue in Vernon Addition to Albert Johnson, Sr. Avenue.

3. Consider adopting an ordinance amending Section 2-384, Chapter 2, Lawton City Code, 1995, amending the date for the Mayor's Commission on the Status of Women to submit an annual report of previous year's activity to the Mayor and City Council. Exhibits: Ordinance No. 00-7; Letter.

Vincent said the Commission requested changing the date for the report to be presented at the second meeting in March.

MOVED by Smith, SECOND by Haywood, for approval of Ordinance No. 00-7, waive reading of the ordinance, read the title only.

(Title read by Clerk) Ordinance No. 00-7

An ordinance amending Section 2-384, Chapter 2, Lawton City Code, 1995, amending the date to submit an annual report of the previous year's activity to the Mayor and City Council.

VOTE ON MOTION: AYE: Devine, Purcell, Shanklin, Beller, Haywood, Warren, Smith, Williams. NAY: None. MOTION CARRIED.

4. Consider adopting an ordinance amending Article 3, Chapter 22, Lawton City Code, 1995, creating the City of Lawton Wastewater Discharge Code, establishing an effective date of April 7, 2000. Exhibits: Ordinance No. 00-\_\_\_\_ (distributed under separate cover).

This item was not considered.

5. Consider adopting a resolution indicating that the City of Lawton, Oklahoma, having the necessary legal, financial, institutional and management resources, intends to operate and maintain an industrial pretreatment program pursuant to the Federal Clean Water Act of 1977 (Public Law 95-217) 33 U.S.C. 1251 Et SEQ. Exhibits: Resolution No. 00-\_\_\_\_\_.

This item was not considered.

6. Consider adopting a resolution increasing the fees and charges for the purposes of defraying the cost of implementing and operating the City's pretreatment program. Exhibits: Comparison; Resolution No. 00- \_\_\_\_.

This item was not considered.

7. Consider adopting a resolution relating to General Obligation Bonds for water system, street and fire station improvements; fixing the amount of Bonds to be sold, providing for the maturity of the Bonds, fixing the redemption provisions, fixing the time and place the Bonds are to be sold and authorizing the Clerk to give notice of said sale, as required by law. Exhibits: Resolution No. 00-29.

Steve Livingston, Finance Director, said this resolution establishes the sale of the bonds supported by the ad valorem tax approved by the voters at the election last November. He said this is the first in a series of bonds toward this end; these bonds will support approximately \$2 million for the design of the rehabilitation of the filter plant and approximately \$2 million for projects for the water distribution system, 38th Street design and relocation of the fire station. Livingston said the bond sale will be advertised as required.

MOVED by Purcell, SECOND by Warren, for approval of Resolution No. 00-29. AYE: Purcell, Shanklin, Beller, Haywood, Warren, Smith, Williams, Devine. NAY: None. MOTION CARRIED.

(Title only) Resolution No. 00-29

A resolution fixing the amount of bonds to be sold, providing for the maturity of the bonds, fixing the redemption provisions, fixing the time and place the bonds are to be sold and authorizing the Clerk to give notice of said sale as required by law.

8. Consider approving the allocation of funds to install ball field lights at Ahlschlager Park (17th & G). Exhibits: Position Statement.

Gary Salva, Parks & Recreation Director, said the City offers youth softball, baseball and football, and hopes to be able to support soccer in the future. There are complexes at Grand View, Ahlschlager and Kiwanis containing a total of 20 fields. Three years ago, those 20 fields were being used at full capacity and over two years ago, seven of the lighted fields were lost due to storm damage at Ahlschlager Park. Staff has been reconstructing the fencing and making other improvements at that complex but the lighting has not been put back due in part to the possibility of the County desiring to use the property, and East Side Park construction is anticipated, which will provide four additional athletic fields.

Salva said the City currently has 13 fields, and if action is not taken, it will be down to nine fields. The need is expected to grow within the next five years from 20 fields to 24, and that a youth complex will be needed on the west side of town. He said the agenda item requests allocation of funds from the 1995 CIP of \$180,000 to re-light Ahlschlager fields, which the City now has under lease for ten years. This amount would allow for lighting of four fields by the middle of the summer for \$160,000, and once the lighting is dismantled from the Kiwanis fields to make way for the school project, we will retrofit those lights and reinstall them at Ahlschlager, bringing the total by this fall back to 20 fields. The number will drop to 16 when the Kiwanis fields are lost, and we should be back up to 20 fields in the year 2002 with the East Side Park.

Salva said this item was recommended by the Parks & Recreation Commission at a special meeting last week. He

said Tom Hall from the Commission is present.

MOVED by Haywood, SECOND by Smith, to approve the allocation of \$180,000 from the 1995 CIP to install ball field lighting at Ahlschlager Park. AYE: Shanklin, Beller, Haywood, Warren, Smith, Williams, Devine, Purcell. NAY: None. MOTION CARRIED.

#### ADDENDUM BUSINESS ITEMS:

1. Consider a request for funding from the Comanche County Fair Trust Authority. Exhibits: None.

Mayor Powell said he was contacted by Gail Turner and met with Mr. Turner, Mr. Love and Mr. Seibold in regard to a request for \$70,000 from the City to solicit events to come to the fairgrounds. He said he asked that this item be placed on the agenda to allow Council to hear a presentation.

Ronnie Love, Chairman of the Comanche County Fairgrounds Trust Authority, said they were seeking funding so they could actively recruit events to come to Lawton, which would generate revenue for the businesses and sales tax revenue for the City. He said there are a lot of events being held in nearby towns and he did not feel they should stand by and wait for a recruitment policy to be presented to them but they wanted to go out and actively pursue the events and it is a competitive market. Love said they had looked at a couple of events with the Chamber but they were not able to provide the kind of funding that was required, and it was in the neighborhood of \$1,000 to bring the event to Lawton. He said the County was not able to provide any additional funding and the revenue generated at the Coliseum does not provide enough to allow event recruitment.

Love said they were looking at funding events at a rate of 20% of the tax revenue that they would generate; if an event would generate \$1 million to be spent in Lawton, it would bring \$35,000 in tax revenue so they would pursue it for not more than 20% of the amount of tax revenue generated.

Love said the RV groups want to come here but they are not set up for them. He said he hoped funding could be found to make those improvements. Mayor Powell said about two years ago there were a lot of RV's at the fairgrounds. Love agreed and said there are some RV hook ups but they cannot handle big events; there were 225 Good Sam people here but they had to bring in generators and other items. Love described RV facilities in Shawnee and said they are big business that bring a lot of money to a town. Mayor Powell asked if funding had to be offered to RV groups. Love said if they had facilities, he did not feel an economic incentive would be needed and that the other buildings and facilities at the fairgrounds are attractive to RV groups.

Love said the Chamber contributed \$7,200 toward the Limousine Show, which generated about \$2.4 million with approximately \$190,000 in tax revenue being generated so we got that show at a cheap price. He said they were looking for funding and help, and were looking toward the future as to what they could provide. Love said there had been a change in directorships and that he had been serving as Chairman for one month.

Devine said he had visited with Mr. Love and conducted research and had not previously realized the economic impact these events have on the community. He said he would like to support this request and that he did not know where the City could come up with the money, but that the economic impact would be worth it.

Purcell said he had visited with the group also and there is something to be gained but the City is already giving money to the Chamber through the hotel/motel tax. He said he felt the Board of Directors of the Chamber of Commerce needed to sit down with the Trust Authority members and discuss some of the problems and work together, and possibly the City could help. Purcell said it was his understanding that the \$70,000 was not needed this year and that the amount of hotel/motel tax may be a little more than was anticipated and possibly some of that money could be used. He said there may be a difference of opinions between the groups as to which should receive the funding and who would do what, and it would be beneficial for them to meet.

Purcell said Lawton's hotel/motel tax rate is only 5% and other cities have between 10% and 15%, so maybe we should discuss an increase; it is not a tax on citizens but on those who visit the area. He said Lawton's tax is usually for five years and suggested it be in place permanently instead of being voted on every five years.

Warren said he felt a directed effort should be made with one entity handling all the parts involved and it should be done that way instead of just providing more money. He said hotel/motel funding needs to be provided to the Chamber to be used as set forth, and that he would consider providing assistance in the future for individual projects but not just to provide funding without a specific item stated.

Shanklin asked the City Attorney if it was legal for the City to offer any hotel/motel tax to the fairgrounds. Vincent said we have a resolution that was passed in 1996 that would have to be amended to allow us to give hotel/motel tax to anyone but the Chamber and their contract is through June 30, 2000, and it is automatically renewed unless the Council or Chamber opt not to renew it with 30 days' notice. Vincent said the hotel/motel tax expires on April 30, 2001, and the contract with the Chamber of whatever entity would expire on that date also.

Shanklin said he had tried to get the Chamber to raise the tax to 10% but that was not done. He asked if we were generating more money than they were being given and if there would be \$70,000 left. Beller said Council had received a report showing hotel/motel tax collection was up quite a bit. Livingston said the hotel/motel tax for last year was \$362,000 and last year's budget was \$320,000. Shanklin asked where the other \$40,000 was and Livingston said it was being taken care of in the General Fund. Shanklin asked if it could be placed in that fund. Livingston said the hotel/motel tax and other taxes of this nature would go to the City General Fund and then through a contract with the Chamber it is used to fund the requirements of the contract. Shanklin asked if the City still had the money. Livingston said right now the Chamber's budget is \$330,000 and if we collect the same as last year it would be \$362,000. Shanklin asked if the income is up from last year. Livingston said it was about the same as last year. Shanklin asked if there was \$30,000 available this year and Livingston said yes. Shanklin asked if the Chamber had asked for it. Livingston said the Chamber's contract has not been modified.

Williams said the Chamber presented a report earlier and the City is getting a good return on the funds provided to the Chamber. He said he was not comfortable taking money away from the Chamber to funnel to the fairgrounds, although he favored providing funding to that entity. Williams said both the City and County would benefit from income generated by events, and the County should be included in some kind of meeting with all parties to find some kind of funding. He said if additional funds are collected through the hotel/motel tax, that money should be provided to the Chamber.

Haywood said he supported the fairgrounds and that they had worked closely with the County Commissioners. He said funding should be found if possible and legal, and that there seem to be a lot of events going on at the Coliseum already.

Love said he had no conflict with the Chamber and that he appreciated what the Chamber does. He said other cities have larger hotel/motel tax rates and Lawton's should be raised so the Chamber can have some money so they can support these efforts.

Beller said he agreed with Purcell's suggestion that the entities sit down and talk about this. He said the fairgrounds is a County facility, although it is an asset to Lawton and we need to do what we can to get funding to them and it may be through the Chamber.

Shanklin said Mr. Livingston had told Mr. Williams that there was \$40,000 that the Chamber did not ask for. Williams said they probably did not know about it. Shanklin said he did not know that.

Shanklin said the motels and restaurants benefit from the efforts of the Chamber and fairgrounds, and 90% of the owners of those facilities do not even know where Lawton is located. He said those facilities should be taxed when we have those events because they built the Downtown Dallas Arena with a recreation tax and that went from cab drivers to restaurants to hotels and all of it, so the people who are reaping the rewards, it does not cost them a dime and it is from the sweat of everyone else. Shanklin said it has been done other places and we should look at that. He asked Fever if she agreed.

Fever said she was trying to avoid speaking on this issue and that she had strong feelings about it and felt it was a good idea to work out a plan to work together. She said she was only made aware of the Coliseum's intent to ask for money in the last few days and did not have much time to react, and about that same time they became aware that additional funds had been collected. Fever said she would like to think the Chamber has had a hand in creating that excess revenue from the hotel/motel tax collections, and that a couple of people are present tonight representing the hotels who work very closely with them in event recruitment. She said many people would need to be involved in a discussion to increase the hotel/motel tax rate. Fever said they had always done everything they could do in terms of event recruitment working with the Coliseum and that they market the Coliseum facilities. She said every event is different and is looked at based on the number of people who attend and the number of nights they stay in the community. Fever reviewed Chamber efforts to bring events to Lawton, and said there is a lot of accountability involved in expending hotel/motel tax funding. She said if they hear of an event that would have a major economic impact, they visit with the people where the event was last held to see what the economic impact was and based on what that events needs are, a proposal is formed and they do not lose very many.

Shanklin asked if the Chamber was really that short of funding. Fever said they could use the money for tourism and event recruitment and it was their hope that the hotel/motel tax collections would increase each year, and the more money they had, the more they could recruit.

MOVED by Purcell, SECOND by Warren, to table this until the two boards can bring back something for Council to look at with their recommendation. Motion and Second were withdrawn to allow for public comment.

Jamie Hall, General Manager of Springhill Suites by Marriott, said he appreciated being allowed to speak. He said he opposed the request of the fair board to receive these funds. Hall said if the entity receiving hotel/motel funds can be changed through simple amendments by the Council, other entities would likely come forward saying they

are soliciting tourism and want a portion of the funds as well.

Hall said an attempt to increase the tax percentage would be a devastating mistake. He said Lawton's room rates are low compared to other locations, and the towns charging the 18% tax rate have something in the way of a convention center that those funds support. Hall said the Chamber, fairgrounds, City Council and hotels have made improvements and caused the increases. He said some things had happened at the past at the facility that may have caused us to lose some of the events.

Beller asked if Mr. Hall could be more specific as to the negative actions. Hall said he was not trying to make anyone look bad but could provide specific information. Beller suggested this be discussed at the committee meeting, rather than at this time. Beller said he would personally visit with Mr. Hall.

MOVED by Purcell, SECOND by Warren, to table until the two boards of directors can get together and come back to the Council with a plan and hopefully we'll be able to provide some additional funds. AYE: Beller, Haywood, Warren, Smith, Williams, Devine, Purcell, Shanklin. NAY: None. MOTION CARRIED.

2. Consider approving a request to enter into a contract with the Oklahoma Highway Safety Office and the City of Lawton for an agreement for an aggressive driving/seat belt/child restraint project. Exhibits: Contract Proposal Request.

Bill Adamson, Police Chief, said this program started in 1997 and has had some success. He said our goals have been slightly modified for the coming year and the total funding request is about \$51,000. Adamson said there is no cost to the City in this regard.

MOVED by Warren, SECOND by Smith, to approve the agenda item as recommended. AYE: Haywood, Warren, Smith, Williams, Devine, Purcell, Shanklin, Beller. NAY: None. MOTION CARRIED.

3. Consider adopting an ordinance amending Chapter 20, Article 1, Section 20-1-101, relating to the issuance of revocable permits, authorizing a permit fee and declaring an emergency. Exhibits: Ordinance No. 00-8.

Vincent said upon review of this ordinance after it was passed at the last Council meeting, there was an omission of the word "not". He said a fee was also mentioned at the last meeting to cover the filing costs and so forth, and the ability for Council to establish a fee is included in the proposed ordinance.

Shanklin asked why the fee was set at \$100. Vincent said this is the existing revocable permit fee for the telecommunications industry found in Chapter 18 and it covers the same basic things as this. Shanklin said we are talking about the people who own this town. It was pointed out that the actual fee is to be determined in the next item.

MOVED by Purcell, SECOND by Williams, to approve Ordinance No. 00-8, waive reading of the ordinance, read the title only.

(Title read by Clerk) Ordinance No. 00-8

An ordinance relating to the user of public ways, amending Chapter 20, Article 1, Section 20-1-101, relating to the issuance of revocable permits, authorizing a permit fee, and declaring an emergency.

VOTE ON MOTION: AYE: Warren, Smith, Williams, Devine, Purcell, Shanklin, Beller, Haywood. NAY: None. MOTION CARRIED.

4. Consider adopting a resolution amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 1995, creating a fee for revocable permits and providing for an emergency. Exhibits: Resolution No. 00-30.

Vincent said discussion was held at the last meeting concerning the necessity of filing the revocable permit at the Courthouse so it would run with the land and everyone would have notice. He said there is a cost to that filing and a cost if the permit is revoked. Vincent said \$20 to \$25 should cover the filing fees for both the issuance and revocation and it should all be paid at one time; there are administrative costs and it is up to the Council as to whether those are charged or absorbed.

MOVED by Shanklin, SECOND by Beller, that we have a permit of \$25 and adopt the resolution. (Motion amended below to change the fee to \$50)

Williams asked if a staff person actually walks the documents over to the Courthouse. Warren suggested the fee be set at \$50 to at least cover some of the costs. Shanklin suggested it be set at \$500 so we can really make some money out of it if that is what Council wants. Shanklin said he would amend his motion to \$50 and Beller agreed as the second.

VOTE ON MOTION AS AMENDED: AYE: Smith, Williams, Devine, Purcell, Shanklin, Beller, Haywood, Warren.  
NAY: None. MOTION CARRIED.

(Title only) Resolution No. 00-30

A resolution amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 1995, creating a fee for revocable permits and providing for an emergency.

5. Consider the following damage claim recommended for denial: Southwestern Bell Telephone Company. Exhibits: Legal Opinion/Recommendation.

Hedy Jackson, Assistant City Attorney, explained the situation with line relocations on a wastewater project in regard to this claim. Staff recommendation was that the claim be denied.

MOVED by Shanklin, SECOND by Williams, to deny the claim. AYE: Williams, Devine, Purcell, Shanklin, Beller, Haywood, Warren, Smith. NAY: None. MOTION CARRIED.

CONSENT AGENDA:

9. Consider the following damage claims recommended for denial: Billy R. and Donna R. Flood; Donnie F. Poindexter; James L. and Doris L. Seward; and Southwestern Bell Telephone Company. Exhibits: Legal Opinions/Recommendations. Action: Denial of claims.

10. Consider the following damage claim recommended for approval: Bob and Edna Nauman. Exhibits: Legal Opinion/Recommendation. Action: Approval of claim for \$117.50.

11. Authorize the Mayor and City Clerk to execute the Receipt and Release in the case styled The City of Lawton, Oklahoma, a Municipal Corporation vs. The MEGA Life and Health Insurance Company, et al., Case No. CJ-98-515 in the District Court of Comanche County. Exhibits: Receipt and Release. Action: Approval of item.

12. Consider ratifying the action of the Mayor in signing the Finding of No Significant Impact and Request for Release of Funds (FONSI/RROF) in connection with the Environmental Review of the ZOE N.E.E.D. Housing Development Project. Exhibits: None. Action: Approval of item.

13. Consider amending the Lawton Urban Homesteading Agency Trust Indenture to provide for management of the First Time Homebuyers Program. Exhibits: None. Action: Approval of item.

ITEM 14 WAS CONSIDERED SEPARATELY AS SHOWN BELOW.

15. Consider accepting a temporary easement from Clement Washington and Wanda Thompson in Block 5, Capital Hills Subdivision for the Belmont and New York Avenues Street Improvement Project #2000-4. Exhibits: None. Action: Approval of item.

16. Consider accepting permanent and temporary easements from James and Ruby Alvey on Lot 11, and Eloise Johnson and Lois Browning on Lot 10, both in Block 4, Evans Subdivision of Block 25, 26 and 27 of Highland Park Addition for the construction of a new drainage structure. Exhibits: None. Action: Approval of item.

ITEMS 17 AND 18 WERE CONSIDERED SEPARATELY AS SHOWN BELOW.

19. Acknowledge receipt of special election returns of February 8, 2000. Exhibits: Election Tabulations. Action: Approval of item. Election returns are for firefighters contract, sales tax increase and franchise for Lawton Cablevision.

20. Consider entering into a contract with Mr. Jeffie Bishop and Mr. Thurman Bishop for fire protection outside the Lawton City limits, and authorize the Mayor and City Clerk to execute the contract. Exhibits: None. Action: Approval of item.

21. Consider adopting a resolution establishing the City of Lawton Status of Women Awards Fund. Exhibits: Resolution No. 00-31.

(Title only) Resolution No. 00-31

A resolution establishing the City of Lawton Status of Women Awards Fund.

22. Consider a resolution increasing the petty cash account for the City of Lawton Community Development Department. Exhibits: Resolution No. 00-32.

(Title only) Resolution No. 00-32

A resolution authorizing an increase in petty cash for the Housing and Community Development Department.



23. Consider approving contract for the Cosponsorship Program. Exhibits: None. Action: Approval of contract with Sigma Tau Delta Cameron University, \$300 for Rilla Askew Reading.

ITEM 24 WAS CONSIDERED SEPARATELY AS SHOWN BELOW.

25. Consider awarding contract for a Wheelchair Lift (Portable). Exhibits: Bid Tab; Recommendation. Action: Award contract to Adaptive Engineering, Ltd., Calgary, Alberta, Canada.

26. Consider awarding contract for Police Vehicle Equipment. Exhibits: Bid Tab; Recommendation. Action: Award contract to Tuxall Uniform & Equipment, Oklahoma City, OK.

27. Consider awarding contract for a Refrigerated Automatic Sampler. Exhibits: Bid Tab; Recommendation. Action: Award contract to Environmental Designs, Inc., Lincoln, NE.

28. Consider awarding contract for DeWatering Polymer. Exhibits: Bid Tab; Recommendation. Action: Award contract to Delta Distributing, Inc., Tulsa, OK.

29. Consider approving the following contract extensions: A) Billboard Display Advertising with Keleher Outdoor Advertising; B) Emergency Traffic Control System with Consolidated Traffic Controls, Inc.; C) Tire Recapping with Tire Distribution System, Inc. Exhibits: None. Action: Approval of item.

30. Consider approval of appointments to boards and commissions. Exhibits: Memorandum.

Lawton Economic Development Authority (LEDA): Fred Fitch, Term: 12/15/99 to 12/15/06; Robert Smith, Term: 12/15/99 to 12/15/06

Lakes & Land Commission: Steve Glick, Term: 2/22/00 to 2/22/03

Lawton Municipal Planning Commission: Jim Nesbitt, Ward 3, Term: 2/22/00 to 2/22/02

31. Consider approval of payroll for the period of February 21 through March 5, 2000. Exhibits: None.

Purcell asked for separate consideration of Item 24. Williams asked for separate consideration of Item 14. Shanklin asked for separate consideration of Items 17 and 18.

MOVED by Smith, SECOND by Haywood, to approve the Consent Agenda items as recommended with the exception of Items 14, 17, 18 and 24. AYE: Devine, Purcell, Shanklin, Beller, Haywood, Warren, Smith, Williams. NAY: None. MOTION CARRIED.

14. Consider approval of a loan in the amount of \$25,375.59 to Colorgraphics "The Print Shop, Inc." from the Community Development Block Grant Revolving Loan Fund, and authorize the execution of the loan and security instruments. Exhibits: Letter.

Frank Pondrom, Housing and Community Development Director, said there was an error in computation; the agenda indicated there was a monthly payment of \$478.86 and it should be calculated at 6% which makes the new monthly payment \$490.58. He said the period was shown as from February 1, 2000 and it should have been from March 1, 2000 to February 1, 2005.

Williams asked if the company was doing well. Pondrom said they have been making their payments and there have been no problems with the company.

MOVED by Williams, SECOND by Smith, to approve the item with the changes noted. AYE: Purcell, Shanklin, Beller, Haywood, Warren, Smith, Williams, Devine. NAY: None. MOTION CARRIED.

17. Consider awarding a construction contract to T & G Construction and approving Change Order #1 for the Belmont and New York Avenues Street Improvement Project #2000-4. Exhibits: Map; Bid Tab.

Shanklin said this item, as well as the next, are large monetary items and should not have been shown on the consent agenda. He said it should be discussed so people would know where their money is being spent.

Shanklin said this project was a line item bid and there were two bidders; one bid was \$108,000 and the other was \$175,000 so one bid is 63% greater than the other. He said he did not know who the other firm was and asked why we could not get more people to bid our work and if they did not want to work for the City. Shanklin said on Item 4 there is a statement that a minor computational error was found in this bid item. He asked if they turned in \$1,800 and then come back and say they made a mistake. Ihler said the computational error was on the engineer's estimate prepared by his office and the bid tab sheet was turned in and when you add the calculations together, we had an error and it is a matter of correcting the error; it was not changed after the sealed bid was submitted by

staff.

Shanklin said on Item 11 the engineer's estimate was \$20,000 and it came in at \$6,500. He asked if that was acceptable. Ihler said he thought we got a great low price. Shanklin said you could have had an engineer's estimate of \$100,000 and really made you look better if that is the deal or if that is what we are after. Ihler said that is not what we are after; we took the average cost of the bids received on the Larrance Avenue Project last summer for a similar type 4 x 4 Geary grate structure and increased it about \$3,000 because of the time frame of an additional year. Shanklin asked where Krapff-Reynolds was from. Ihler said they are in the Oklahoma City area; they have done work for the City and most of it has been sewer and water line work.

Shanklin said the low bid was under the engineer's estimate, and that really did not excite him, but what did excite him was that they were 63% greater than the low bidder and he wondered how hard they worked at it.

MOVED by Shanklin, SECOND by Haywood, for approval of construction contract to T & G Construction and approving Change Order #1 for the Belmont and New York Avenues Street Improvement Project #2000-4; contract price with Change Order #1 is \$111,064.18. AYE: Shanklin, Beller, Haywood, Warren, Smith, Williams, Devine, Purcell. NAY: None. MOTION CARRIED.

18. Consider awarding a construction contract to S Construction, Inc. for the Public Works Vehicle Maintenance Building Project #2000-2. Exhibits: Map; Bid Tab.

Shanklin said we are going to spend \$700,000 on a vehicle maintenance facility. He said he never saw the plans and did not know the cost per foot and that he could not reach Mike Brown with CharDon to see how he had looked at the project. He asked if there will be offices in this building. Ihler said there will be offices for Joe Joiner and his staff. Shanklin asked if this will include any equipment inside the building. Ihler said it includes the lifts and almost all of the equipment and equipment will be transferred from the old shop; this does not include shelves and benches because they can be bid separately at a much better price and install them ourselves.

Shanklin said for the taxpayers, we are going to spend \$700,000 of your money for a new maintenance building for Public Works on South 6th Street.

MOVED by Shanklin, SECOND by Haywood, for approval of awarding a construction contract to S Construction, Inc. for the Public Works Vehicle Maintenance Building Project #2000-2; contract price is \$658,000.00. AYE: Beller, Haywood, Warren, Smith, Williams, Devine, Purcell, Shanklin. NAY: None. MOTION CARRIED.

24. Consider rejecting bids for a Pumper Apparatus. Exhibits: Bid Tab; Recommendation.

MOVED by Purcell, SECOND by Warren, to table this item until after executive session. AYE: Haywood, Warren, Smith, Williams, Devine, Purcell, Shanklin, Beller. NAY: None. MOTION CARRIED.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER.

Mayor Powell invited everyone to the recycling ceremony on Saturday at 10 a.m. in the north City Hall parking lot. He reported that signalization has begun on 82nd Street and Highway 62, and that the Terrace Hills Park looked good and that the neighborhood works hard on it. He said the 82nd Street Project is under construction and the small low water crossing is now a large bridge.

Beller asked the completion date and said there had been extensions. Gary Jackson, Assistant City Manager, said the original time period was 270 days but there have been design changes that added to that time period considerably. Beller said he had served on the recycling committee but would not be able to attend the ceremony.

Beller said the Mayor's Code Task Force touched briefly on abandoned lines in easements and the problems they cause for the City, plumbers and others. He said they were looking for remedies and that the lines are marked but some are abandoned, causing problems for field personnel. Mayor Powell said that was a problem and he saw many lines at the 82nd Street Project.

Williams said the pedestrian/bike path is in place in Elmer Thomas Park and several families with young children and bicycles are using the facility, which is a great addition for the park. He said it was a good example of a public-private partnership project and hoped more could be done in the future.

Baker said he, Vincent, Ihler and Atkinson will be visiting with the School Land Commission in Oklahoma City tomorrow in conjunction with the new Veterans' Center that will be going in on Flower Mound Road. He said they were trying to work an arrangement to provide assistance on the project and possibly get some rights of way that the City needs. Baker said word was received today that they will provide easements for water line and roadway and they would discuss getting additional easements.

Devine said he would like to see staff look into the issue of abandoned lines and that he deals with it daily and it adds a lot of cost. He said when you start digging and see a line, you do not know if it is live or if it is dead and it creates costs and claims. Devine said he knew the City abandoned the sewer lines, but that the issue should be addressed.

Devine said regarding the Kids Zone, they were going to fly down to Sulphur Springs, Texas, hopefully Thursday morning to look at their facility and bathroom and see if we can get information on how we want to construct ours and build it. He said he received additional information that he did not want to elaborate on right now but it seemed we were going to come into some great things in that area at 38th and Meadowbrook and if it happens that will be one of the most spectacular places in Lawton.

Shanklin said he saw a telephone line dug up last week by Arkla Gas and then found out 45 minutes later that it was an abandoned line. He said he had been on the bike path and it was going to be one of the best things the City has participated with, although the City did not fund it. Shanklin said 100 to 180 feet were torn out around the 3rd Street area and asked if that cost the contractor or if the City was going to pay it. Baker said it cost the contractor. Shanklin asked why. Baker said it was not constructed to specifications. Shanklin asked Baker if he inspected it and Baker said he looked at it himself. Shanklin asked Baker if he inspected it before they poured it. Baker said no. Shanklin asked if Baker's staff inspected it before they poured it. Baker said it is a Department of Transportation project and he would have to ask Ihler if any of our engineers went out.

Devine said they had a state inspector out there pulling core samples on the concrete. Mayor Powell said this had nothing to do with cores. Shanklin said he hated to have City inspectors on people all the time and then they get an okay and then it is not right, and that should be looked into and he did not know how much this cost but we have inspectors on the payroll and they could have been there and told them they did not have it slanted just right or whatever it was.

Mayor Powell said it is parallel with Ferris Avenue just before the road that goes in to the pavilion at the 3rd Street area. He said just before the end of that, there is a real hard curve to the left and those things are designed to tilt slightly to the inside. Mayor Powell said another 20 or so feet it makes a slight curve back to the right, headed right toward three poles, and when this was poured there should have been a slight tilt to the inside and instead there is a very slight tilt to the outside that you could not even recognize when you drive up to look at it, but if you walk up there, you can see a slight tilt to the outside. He said he brought this to Baker's attention and he took it to the proper people and there was a memo where the State asked the City and the response was that it should be torn out. Mayor Powell said it was his understanding that the State later said they had overlooked something and they then wanted it torn out; first they said it was acceptable then they said it was not; the contractor had to tear it out and it probably cost him between \$3,200 and \$4,000 to do that. Mayor Powell said he watched them take out approximately 800 square feet of concrete.

Shanklin asked if the concrete was put back in the same path. Mayor Powell said yes, and it is slightly tilted as it should have been and as it was designed.

Shanklin asked if we still walk the Fort Sill water lines to check them for breaks and leaks, and where was the break that we repaired about three weeks ago. Ihler said the repair three weeks ago was just south of the one we repaired six months ago that the Mayor came out to visit. Ihler said he is told that the men walk the line quarterly. Shanklin asked Ihler if he wanted him to take him to one that has been leaking for two years. Ihler said they were aware there were some leaks on the lines.

Haywood expressed appreciation to the Housing and Community Development Department, Public Works, and the Police Department. He said there are still a lot of drugs in his area and they are trying to weed those areas out. Haywood said he understood the City had received \$160,000 from Weed and Seed and asked if that was correct. Pondrom said he received a call saying that the application designating Lawton as a Weed and Seed site had been approved but the funding aspect, which is another step, is forthcoming and has not been approved as of this date.

#### BUSINESS ITEMS:

32. Pursuant to Section 307B4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending investigation of the landfill, and if necessary, take appropriate action in open session. Exhibits: None.

33. Pursuant to Section 307B4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the case styled C. Steve Wilson v. The City of Lawton, a municipal corporation, and Gilbert Schumpert, Case No. CIV-99-2104, in the United States District Court, Western District of Oklahoma, and if necessary, take appropriate action in open session. Exhibits: None.

34. Pursuant to Section 307B2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations for a Collective Bargaining Agreement for FY 2000-2001 between the Fire Union, IAFF, Local 1882,

and the City of Lawton, and take appropriate action in open session. Exhibits: Letter.

35. Pursuant to Section 307B2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations for a Collective Bargaining Agreement for FY 2000-2001 between the Police Union, IUPA, Local 24, and the City of Lawton, and take appropriate action in open session. Exhibits: None.

36. Pursuant to Section 307B1, Title 25, Oklahoma Statutes, consider convening in executive session to evaluate the performance of the City Manager, City Clerk, City Attorney, and Municipal Judge, and take action as necessary in open session. Exhibits: None.

Addendum Item #6: Pursuant to Section 307B4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the case styled International Association of Firefighters, Local 1882, v. The County Election Board for Comanche County, Oklahoma, and City of Lawton, Case No. CJ-99-1388, filed in the District Court of Comanche County, and if necessary, take appropriate action in open session. Exhibits: None.

MOVED by Williams, SECOND by Warren, to convene in executive session to consider the items listed on the agenda and recommended by the legal staff. AYE: Warren, Smith, Williams, Devine, Purcell, Shanklin, Beller, Haywood. NAY: None. MOTION CARRIED.

The Mayor and Council convened in executive session at approximately 8:15 p.m. and reconvened in regular, open session at approximately 9:40 p.m. with roll call reflecting all members present.

Mayor Powell asked the City Attorney to report on Item 32. Vincent said we entered into executive session under Item 32, under Section 307B4, Title 25, Oklahoma Statutes, to consider the investigation of the landfill. Vincent recommended a motion that the City Attorney be authorized to employ an investigator under contract to investigate personnel issues and possible theft at the landfill.

MOVED by Beller, SECOND by Williams, that the City Attorney be authorized to employ an investigator under contract to investigate personnel issues and possible theft at the landfill. AYE: Williams, Devine, Purcell, Shanklin, Beller, Haywood, Warren, Smith. NAY: None. MOTION CARRIED.

Mayor Powell asked the City Attorney to report on Item 33. Vincent said we entered into executive session on the case of Steve Wilson v. The City of Lawton and Gilbert Schumpert, CIV-99-2104, in the United States District Court in Oklahoma City; no action is required at this time.

Mayor Powell asked the City Attorney to report on Item 34. Vincent said we entered into executive session under 307B2 of Title 25, Oklahoma Statutes, to consider appointing a negotiating team for negotiations with the fire union, IAFF, Local 1882, for fiscal year 2000-2001. He suggested a motion to designate Mr. Gary Jackson as the chief negotiator, and team members Ms. Bagwell, Councilmembers Purcell, Devine and Smith.

MOVED by Smith, SECOND by Purcell, to designate Mr. Gary Jackson as the chief negotiator, and team members Ms. Bagwell, Councilmembers Purcell, Devine and Smith for negotiations with the fire union, IAFF, Local 1882, for fiscal year 2000-2001. AYE: Devine, Purcell, Shanklin, Beller, Haywood, Warren, Smith, Williams. NAY: None. MOTION CARRIED.

Mayor Powell asked the City Attorney to report on Item 35. Vincent said we entered into executive session under Section 307B2, Title 25, Oklahoma Statutes, to discuss on-going negotiations on the collective bargaining agreement for fiscal year 2000-2001 with the police union, IUPA, Local 24; no action is required.

Mayor Powell asked the City Attorney to report on Item 36. Vincent said pursuant to 307B1, Title 25, we entered into executive session to evaluate the performance of the City Manager, City Clerk, City Attorney and Municipal Judge; no action is required.

Mayor Powell asked the City Manager to report on Item 6 under the Addendum. Baker requested the City Attorney address the item. Vincent said we entered into executive session under Section 307B4, Title 25, Oklahoma Statutes, to discuss the International Association of Firefighters Local 1882 v. The County Election Board and The City of Lawton, Case No. CJ-99-1388. Vincent suggested a motion to direct the City Attorney's Office and City Manager's Office to prepare a Memorandum of Understanding with Local 1882 concerning this year's existing agreement voted on by the citizens of Lawton last week to consider retroactive pay of the 3% pay raise back to July 1 and that all incentives that were paid under the extended contract from last year be continued through February 8, 2000, and request that the IAFF acknowledge the Memorandum of Understanding. Bagwell said we would also include in that memorandum that any incentives that go from February 8, 2000, forward be based upon the July 1, 1999 rate under the current contract.

MOVED by Smith, SECOND by Williams, to direct the City Attorney's Office and City Manager's Office to prepare a Memorandum of Understanding with Local 1882 concerning this year's existing agreement voted on by the citizens of Lawton last week to consider retroactive pay of the 3% pay raise back to July 1 and that all incentives that were

paid under the extended contract from last year be continued through February 8, 2000, and request that the IAFF acknowledge the Memorandum of Understanding, and include in that memorandum that any incentives that go from February 8, 2000, forward be based upon the July 1, 1999 rate under the current contract. AYE: Purcell, Shanklin, Beller, Haywood, Warren, Smith, Williams, Devine. NAY: None. MOTION CARRIED.

24. Consider rejecting bids for a Pumper Apparatus. Exhibits: Bid Tab; Recommendation.

Mayor Powell said this item had been pulled earlier and asked that it be addressed at this time.

MOVED by Purcell, SECOND by Beller, to accept the bid for the new pumper apparatus from Bidder #4, Precision Fire Apparatus, as the only bid that met the specifications and that we accept that bid and purchase that apparatus. AYE: Shanklin, Beller, Haywood, Warren, Smith, Williams, Devine, Purcell. NAY: None. MOTION CARRIED.

There being no further business to consider, the meeting adjourned at 9:45 p.m. upon motion, second and roll call vote.